

30(b)(6) Naomi L. Bolton
King and Spalding - Pro Bono

January 29, 2025

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE
CIVIL ACTION NO. 1:24-cv-41

GRACE NEW ENGLAND; and PASTOR)
HOWARD KALOOGIAN,)
Plaintiffs,)
vs.)
TOWN OF WEARE, NEW HAMPSHIRE;)
TONY SAWYER, in his individual)
and official capacities; and)
CRAIG FRANCISCO, in his individual)
and official capacities,)
Defendants.)

DEPOSITION OF THE TOWN OF WEARE BY
NAOMI L. BOLTON, called as a witness by and on
behalf of the Plaintiffs, pursuant to the
applicable provisions of the Federal Rules of Civil
Procedure, before P. Jodi Ohnemus, RPR, RMR, CRR,
CA-CSR #13192, NH-LSR #91, and MA-CSR #123193, at
Gallagher Callahan & Gartrell, 214 N. Main Street,
Concord, New Hampshire, on Wednesday, 29 January
2025, commencing at 9:02 a.m.

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1 MR. BREWER: Want to take a five-minute
2 break?

3 MS. GOERING: Yeah. That sounds great.

4 (Recess was taken.)

5 Q. I think you've hit on this in good detail,
6 but just to have a clear record: Can you, in a few
7 sentences, describe what the purpose of the site
8 plan review regulations are?

9 A. Yeah. Well, it's -- you know, the purpose
10 is stated there for nonresidential multifamily,
11 condominium for -- they go through the process, you
12 know, but it does talk about that in the first
13 paragraph. I mean, when it was adopted in March of
14 '88.

15 Q. And who determines whether site plan
16 review is necessary? Is that the zoning
17 administrator --

18 A. Yeah.

19 Q. -- or zoning officer?

20 A. Typically it is.

21 And I will tell you that, you know, Tony
22 came to us from a different world, part-time,
23 looking for a job. We needed somebody other than
24 me. So I tried to get him to, you know, read,
25 learn, figure it out. A lot of times he'd say,

1 "I'm little unsure."

2 And I said, "Well, a sure bet is send them
3 to planning board. It doesn't cost anything. Send
4 them for a conceptual."

5 And then he would come or he would watch
6 the meeting 'cause we YouTube everything live, and
7 that's how he was learning.

8 So I always said, "When you're unsure,
9 send it their way. They're the ones who created
10 this," and so they would have more of the intent;
11 and then they can decide, no, it fits. Let them
12 go. We want to see them for a full one because of,
13 you know, parking, safety, fire. Whatever.

14 So a sure bet was always in that direction
15 if you were unsure, which is what I'm doing today.

16 Q. Is the town's position that one of the
17 reasons a site plan review may be required is where
18 there's a change in use in their property?

19 A. Uh-huh -- yes.

20 Q. What is the town's definition of what is a
21 change of use?

22 A. Well, may I -- I don't know that we have
23 one.

24 Q. Yeah, we're more than happy to look at
25 the --

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1 A. Okay.

2 Q. -- I believe it's --

3 A. And you're looking in zoning or are you
4 looking in site plan?

5 Q. Looks like -- are you looking for the site
6 plan review regulations?

7 A. Well, you're asking site plan --

8 Q. Yes, I am.

9 A. -- so --

10 Okay. I don't think it's defined in here.

11 Q. Do you have that one in front of you?

12 MS. GOERING: I don't think we do.

13 Naomi, do you need a copy of the site
14 plan?

15 A. I don't think they have definitions.
16 That's the only thing. I don't think it -- it lays
17 out the procedure how you get there, but it's
18 usually defined here, meaning -- change of use is
19 not defined here.

20 Q. Got it.

21 So the definition may be in the zoning
22 ordinance, but it's laid out -- the procedure --

23 A. Right.

24 Q. -- in the site plan review regulations?

25 A. Correct.

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C E R T I F I C A T E

I NAOMI L. BOLTON, do hereby certify
that I have read the foregoing transcript of my
testimony and further certify that said transcript
(with/without) suggested corrections is a true and
accurate record of said testimony.

Dated this 7th day of February, 2025.

A handwritten signature in cursive script, appearing to read "Patricia Jade Ormrod", is written over a light gray rectangular background.

NAOMI L. BOLTON

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C E R T I F I C A T E

I, Patricia Jodi Ohnemus, a Licensed Shorthand Reporter for the State of New Hampshire, do hereby certify that the foregoing is a true and accurate transcript of my stenographic notes of the proceeding taken at the place and on the date hereinbefore set forth to the best of my skill and ability under the conditions present at the time.

I further certify that I am neither attorney or counsel for, nor related to or employed by any of the parties to the action in which this proceeding was taken, and further that I am not a relative or employee of any attorney or counsel employed in this case, nor am I financially interested in this action.

The foregoing certification of this transcript does not apply to any reproduction of the same by any means unless under the direct control and/or direction of the certifying reporter.

Under Federal Rule 30:

X Reading and Signing was requested.
 Reading and Signing was waived.
 Reading and Signing was not requested.



Patricia Jodi Ohnemus
LCR #91, CA-CSR #13192,
MA-CSR #123193, RMR, RPR, CRR